THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.2817 of 2007

Date: 19.02.2007

Between:

Irsi Public School English Medium.

....Petitioner

And

The Superintendent Engineer, Irrigation Officer, Bobbili, Vizianagaram District and another.

....Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.2817 of 2007

O R D E R:

Petitioner is an educational institution at Bobbili, Vizianagaram District. It is stated that in its neighbourhood, it had encroached into an extent of 217.7 square yards of land. According to it, the said land belongs to Bobbili Municipality. It is also stated that a representation was made on 25.04.2006 to the Municipality, with a prayer to alienate the same in its favour. The grievance of the petitioner is that even while the representation is pending with the Municipality, the respondents are trying to evict it from the said land.

Heard the learned counsel for the petitioner and the Government Pleader for respondents.

In all fairness, the petitioner had stated that as of now, it has no proprietary right over the extent of 217.7 square yards of land and that it has encroached upon it. Though, the petitioner is said to have made a

representation to the Municipality for alienation of the same, it has not placed the relevant record, which would clinchingly establish that the Municipality is the owner of the said land. Once the petitioner admits that it is an encroacher over the land referred to above, it is liable to be evicted by the authority, in whom it vests. The only requirement is that the petitioner must be put to notice, before it is evicted.

For the foregoing reasons, the writ petition is disposed of, directing that the respondents shall issue notice to the petitioner, before any action is taken against it. There shall be no order as to costs.

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19.02.2007

JSU